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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,165	12/30/2003	Andrew J.J. McCarthy	056790-0001	7826
20572 7590 03/22/2006 GODFREY & KAHN S.C. 780 NORTH WATER STREET MILWAUKEE, WI 53202			EXAMINER FUREMAN, JARED	
			ART UNIT	PAPER NUMBER
			2876	
DATE MAILED: 03/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/749,165	MCCARTHY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jared J. Fureman	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 10-13 and 21-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-20, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☒ Certified copies of the priority documents have been received in Application No. 09/502,274.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Receipt is acknowledged of the amendments filed on 12/5/2005 and 2/15/2006.

#### ***Election/Restrictions***

1. Applicant's election without traverse of group I, figures 1-3, in the reply filed on 12/5/2005 is acknowledged.
2. Claims 10, 13 and 21-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/15/2005.
3. Claims 11 and 12 were not identified as withdrawn by applicants, however claims 11 and 12 depend from withdrawn claim 10. Therefore, for examination purposes, claims 11 and 12 have also been withdrawn from further consideration.

#### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "38" has been used to designate both a logo (see figure 2 and page 19, line 28 of the specification) and a strip (see figure 4, also note that the strip has been designated 138 in the specification, see page 20, line 7). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the

filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Morgan (US 5,560,657, cited by applicant) in view of Miniaci et al (US 4,277,902).

Morgan teaches a cargo closure (10) for sealing a cargo item (a container, such as luggage, brief cases, etc.) in a closed condition comprising a tie (tongue 14) and a data carrying member (base area 12), the tie being permanently closable in the sense that once closed, the tie cannot easily be opened without rupturing the tie, and being adapted to secure the data carrying member to a said cargo item, wherein the data carrying member comprises a flag (halves 18 and 19 of the base area represent a flag) having a median zone of weakness (fold line 16) at which the flag is foldable, wherein some or all of the data (imprinted indicia 22) is in the form of visually legible characters, the cargo item comprising two components (for example: the components of a piece of luggage or the components of a briefcase) which are relatively movable to open the cargo item, the tie being operable to secure together the data carrying member and the two relatively movable components in such manner that the two components cannot be separated and thus the cargo item cannot be opened without rupture of the tie, wherein at least one of the relatively movable components comprises part of a zip fastening device (zipper end tags) (see figures 1-3, column 3 lines 29-48, 58-65, and column 4 line 66 - column 5 line 2).

Morgan fails to specifically teach the flag being foldable selectively to conceal or reveal data carried thereby.

Miniaci et al teaches a data carrying member comprising a flag (substrate 10, figure 1) having a median zone of weakness (score line or fold line 36, figure 1 and column 2, lines 29-34) about which the flag is foldable selectively to conceal or reveal data carried thereby (also see figures 1, 3, column 1, lines 19-22, 31-46; column 1, line 65 - column 2, line 3; column 2, lines 9-61; and column 3, lines 5-31).

In view of Miniaci et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to add, with the data carrying member and flag as taught by Morgan, the data carrying member having a flag being foldable selectively to conceal or reveal data carried thereby, in order to prevent the data from being exposed (see column 1, lines 12-22 and 43-46, of Miniaci et al), thereby improving data security.

8. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan as modified by Miniaci et al in view of Moberg et al (US 4,001,919, cited by applicant).

The teachings of Morgan as modified by Miniaci et al have been discussed above.

Morgan as modified by Miniaci et al fails to teach the tie comprising a stem and a member having an opening into which the stem may be inserted, the stem and opening comprising co-operating surface formations adapted and arranged to allow insertion of the stem into the opening and to resist the stems withdrawal therefrom, the stem comprising a zone of weakness, the ultimate tensile strength of the zone of weakness

being below the force required to withdraw the stem from the opening, the stem comprising stop means operative to limit insertion of the stem into the opening, wherein the surface formations comprise a series of axially spaced ribs and such ribs are of a generally saw-toothed shaped profile, wherein the ribs extend around the stem in substantially circular manner.

Moberg et al teaches a cargo closure (seal 10) for sealing a cargo item (for example, bag 18) in a closed condition comprising a tie, the tie being permanently closable in the sense that once closed, the tie cannot easily be opened without rupturing the tie, tie comprising a stem (a shackle having portions 38, 24, and 22) and a member having an opening (aperture 25) into which the stem may be inserted, the stem and opening comprising co-operating surface formations (shoulder 28 formed by enlargements 29 and fingers 26) adapted and arranged to allow insertion of the stem into the opening and to resist the stems withdrawal therefrom, the stem comprising a zone of weakness (slot 30), the ultimate tensile strength of the zone of weakness being below the force required to withdraw the stem from the opening, the stem comprising stop means (portion 22, which is wide and flat) operative to limit insertion of the stem into the opening, wherein the surface formations comprise a series of axially spaced ribs and such ribs are of a generally saw-toothed shaped profile, wherein the ribs extend around the stem in substantially circular manner (see figures 1-4, column 1 lines 5-8, 36-58, column 2 lines 4-26, column 2 line 35 - column 3 line 21).

In view of Moberg et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the closure as taught

by Morgan as modified by Miniaci et al, tie comprising a stem and a member having an opening into which the stem may be inserted, the stem and opening comprising co-operating surface formations adapted and arranged to allow insertion of the stem into the opening and to resist the stems withdrawal therefrom, the stem comprising a zone of weakness, the ultimate tensile strength of the zone of weakness being below the force required to withdraw the stem from the opening, the stem comprising stop means operative to limit insertion of the stem into the opening, wherein the surface formations comprise a series of axially spaced ribs and such ribs are of a generally saw-toothed shaped profile, wherein the ribs extend around the stem in substantially circular manner, in order to provide a seal which is easily, intentionally fractured, without the requirement for cutting the cargo closure (see column 3 lines 13-21).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan as modified by Miniaci et al and Moberg et al as applied to claim 7 above, and further in view of Georgopoulos et al (US 5,524,945, cited by applicant).

Morgan as modified by Miniaci et al and Moberg et al fails to specifically teach wherein a said co-operating surface formation on the opening is spaced from each end of that opening by an amount which is greater than the axial spacing of the ribs.

Georgopoulos et al teaches a cargo closure (security seal 10) having a stem (shackle 18) and a member (projection 24) having an opening (30) into which the stem may be inserted, the stem and opening comprising co-operating surface formations adapted and arranged to allow insertion of the stem into the opening and to resist the



stems withdrawal therefrom, wherein the surface formations comprise a series of axially spaced ribs (95) and such ribs are of a generally saw-toothed shaped profile, wherein a said co-operating surface formation (110, 114) on the opening is spaced from each end of that opening by an amount which is greater than the axial spacing of the ribs (see figures 1, 13-15, column 1 lines 4-7, column 3 line 16 - column 4 line 2, column 4 line 54 - column 5 line 3).

In view of Georgopoulos et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the closure as taught by Morgan as modified by Miniaci et al and Moberg et al, wherein a said co-operating surface formation on the opening is spaced from each end of that opening by an amount which is greater than the axial spacing of the ribs, in order to improve the security of the closure.

10. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan as modified by Miniaci et al in view of Georgopoulos et al.

The teachings of Morgan as modified by Miniaci et al have been discussed above.

Morgan as modified by Miniaci et al fails to specifically teach the tie and data carrying member being constituted by an integral moulding of thermoplastics material, wherein some of the data is in machine readable form.

Georgopoulos et al teaches a cargo closure (security seal 10) wherein a tie (shackle 18) and a data carrying member (flag 14) are constituted by an integral

moulding of thermoplastics material, wherein some of the data is in machine readable form (indicia 20) (see figure 1, column 1 lines 4-7, and column 3 lines 16-29).

In view of Georgopoulos et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the closure as taught by Morgan as modified by Miniaci et al, the tie and data carrying member being constituted by an integral moulding of thermoplastics material, in order to allow efficient production of the closure, and wherein some of the data is in machine readable form, in order to allow quick and accurate entry of the data into a computer system.

11. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan as modified by Miniaci et al in view of Javkin (US 3,352,040, cited by applicant).

The teachings of Morgan as modified by Miniaci et al have been discussed above.

Morgan as modified by Miniaci et al fails to specifically teach a travel document/ticket, the travel document containing ownership information.

Javkin teaches a travel pack comprising a travel document/ticket (the label can be considered a travel document or ticket) and a cargo closure (tag 110), the travel document containing ownership information (the label contains the owners name) (see figures 5-7, column 1 lines 10-40, column 2 line 44 - column 3 line 13).

In view of Javkin's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the closure as taught by Morgan as modified by Miniaci et al, a travel document/ticket, the travel document containing

ownership information, in order to provide additional cargo data (data in addition to the signature as taught by Morgan) for identifying and/or routing the cargo.

12. Claim 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan as modified by Miniaci et al in view of Thompson (US 4,187,628, cited by applicant).

The teachings of Morgan as modified by Miniaci et al have been discussed above.

Morgan as modified by Miniaci et al fails to specifically teach a method of advertising including displaying advertising material on the data carrier, wherein the advertising material is on a label which is stuck to the data carrier.

Thompson teaches a method of advertising, including displaying advertising material (logo or other advertising material 66) on a data carrier (panels 46 and 48), wherein the advertising material is on a label (plate 50) which is stuck to the data carrier (the plate 50 is stuck to the data carrier in that the plate is attached to the panels by buttons 60 and 62) (see figures 4, 5, and column 7 lines 7-32).

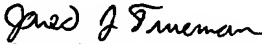
In view of Thompson's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the closure as taught by Morgan as modified by Miniaci et al, a method of advertising including displaying advertising material on the data carrier, wherein the advertising material is on a label which is stuck to the data carrier, in order to promote a manufacturer or business associated with the cargo, thereby generating interest in possible customers.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jared J. Fureman  
Primary Examiner  
Art Unit 2876

jjf  
March 18, 2006